

Remarks

Applicants have carefully reviewed the application in light of the Office Action dated November 5, 2003. At the time of the Office Action, Claims 25-49 were pending in the application. Applicants respectfully request reconsideration of all pending claims.

Section 103 Rejections

The Office Action rejects:

- Claims 25, 30-34, 36-37, 38, 43, 44, 46, 47, and 48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,845,119 to Kozuka et al. ("*Kozuka*") in view of U.S. Patent No. 5,787,287 to Bharadwaj ("*Bharadwaj*");
- Claims 35, 45, and 49 under 35 U.S.C. § 103(a) as being unpatentable over *Kozuka* in view of *Bharadwaj*, further in view of U.S. Patent No. 5,632,022 to Warren et al. ("*Warren*"); and
- Claims 26-29 and 39-42 under 35 U.S.C. § 103(a) as being unpatentable over *Kozuka* in view of *Bharadwaj*, further in view of Official Notice.

Applicants respectfully traverse these rejections and all assertions and holdings therein. Specifically, Applicants respectfully traverse the Office Action's Official Notice as to Claims 26-29 and 39-42 and request the Examiner to come forward with evidence that support the rejection relying on Official Notice. Moreover, Applicants respectfully request that the rejections be withdrawn at least because the use of *Kozuka*, either individually or in combination, is improper for at least two reasons.

First, *Kozuka* teaches away from the present application. Indeed, the Office Action correctly admits that *Kozuka* teaches that a module is a source code file and "does not explicitly disclose the module is [an] executable module." Office Action, p.2. But *Kozuka* further teaches away from "the module be [an] executable module," as asserted by the Office Action at 2-3, because *Kozuka* discloses that a search for source code is performed, resulting in a user manually entering code (component names, interfaces, etc.) when no source code is found. In other words, *Kozuka* appears to require non-executable modules. For example, *Kozuka* discloses that "when there is no source codes, the developer inputs the interface information from an input-output device, and registers in the dictionary." *Kozuka*, Abstract. In another example, *Kozuka* recites that "when the existing programs are not described in the

object oriented language, or there is no source code, a dictionary registration editor is invoked, and ... the developer of components inputs the component name, counterpart component name, interface name, and interface definition from the input-output device 120.” *Id.* at 3:65-4:5. In yet another example, *Kozuka* teaches that “in step 311, it is decided whether or not source code described in the object oriented language are present. If not goes to step 321 [*sic*].” *Id.* at 4:39-41; *see id.* at FIGURE 3. *Kozuka* continues “in FIG. 3, in step 311, when there is no source code which is the object of the processing, in order to directly register information in the dictionary 141 by the component developer, the dictionary registration editor is invoked.” *Id.* at 5:47-51. In short, *Kozuka* teaches away from “a first existing executable module and a second existing executable module” as recited in Claim 25 because upon failure to locate the expected source code in *Kozuka*, the developer must manually enter the code, “which is the object of the processing.” *Id.* at 5:47-51.

Second, modifying *Kozuka* to “have the module be [an] executable module” changes the principle of operation in *Kozuka* in violation of MPEP §2143.01. The embodiments disclosed in *Kozuka* appear to principally involve source code, “which is the object of the processing.” *Id.* at 5:47-51.¹ For example, the Abstract in *Kozuka* describes that a “dictionary registration unit reads a source code file, analyzes, extracts a component definition, and extracts ... and registers component name, counterpart component name, interface information of the interface name, and interface definition body in a dictionary.” *Kozuka*, Abstract. In another example, *Kozuka* discloses that “[i]n one aspect of the present invention, class definitions which express the components in object oriented language are automatically extracted from source codes of already existing programs by a computer.” 2:13-16. As described above, other embodiments in *Kozuka* teach that if source code is not located, then the developer manually inputs various code entries. The persistent use by *Kozuka* of “source code” limits *Kozuka* and runs counter to expanding the teachings of *Kozuka* to include “a first existing executable module and a second existing executable module” through a combination with *Bharadwaj* or any other reference. Therefore, *Kozuka* cannot be used with “a first existing executable module and a second existing executable module” as recited, in part, by

¹ This interpretation is further reflected in the claims of *Kozuka*. For example, *Kozuka* recites a method of “preparing a new program by combining program modules ... comprising ... automatically extracting by said computer a class definition expressing a component in object oriented language, from a source code of an already existing program.” *Kozuka*, Claim 1.

Claim 25 because such a modification of *Kozuka* would improperly “change its principle of operation.”

For at least these reasons, Applicants respectfully submit that the use of *Kozuka* in the above rejections is improper. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 25 through 49.

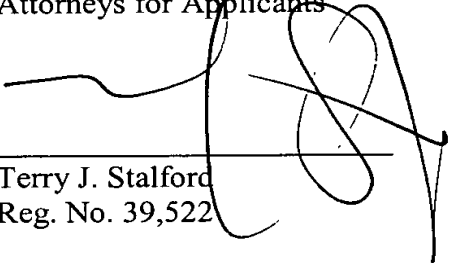
Conclusion

Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all Claims.

Although Applicants believe that no fees are due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Respectfully submitted,
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